

1 AN ACT

2 relating to the creation of the Van Alstyne Municipal Utility
3 District No. 2 of Collin County; granting a limited power of eminent
4 domain; providing authority to issue bonds; providing authority to
5 impose assessments, fees, and taxes.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subtitle F, Title 6, Special District Local Laws
8 Code, is amended by adding Chapter 8048 to read as follows:

9 CHAPTER 8048. VAN ALSTYNE MUNICIPAL UTILITY DISTRICT NO. 2 OF

10 COLLIN COUNTY

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 8048.0101. DEFINITIONS. In this chapter:

13 (1) "Board" means the district's board of directors.

14 (2) "Commission" means the Texas Commission on
15 Environmental Quality.

16 (3) "Director" means a board member.

17 (4) "District" means the Van Alstyne Municipal Utility
18 District No. 2 of Collin County.

19 Sec. 8048.0102. NATURE OF DISTRICT. The district is a
20 municipal utility district created under Section 59, Article XVI,
21 Texas Constitution.

22 Sec. 8048.0103. CONFIRMATION AND DIRECTOR ELECTION
23 REQUIRED. The temporary directors shall hold an election to
24 confirm the creation of the district and to elect five permanent

1 directors as provided by Section 49.102, Water Code.

2 Sec. 8048.0104. CONDITIONS PRECEDENT TO CONFIRMATION
3 ELECTION. (a) The temporary directors may not hold an election
4 under Section 8048.0103 until:

5 (1) each municipality in whose corporate limits or
6 extraterritorial jurisdiction the district is located has
7 consented by ordinance or resolution to the creation of the
8 district and to the inclusion of land in the district; and

9 (2) the district has entered into a contract with a
10 municipality, Collin County, or another entity:

11 (A) for adequate supplemental police, fire,
12 emergency, and animal control services for the district; and

13 (B) that is approved by the Commissioners Court
14 of Collin County under Subsection (c).

15 (b) A contract under Subsection (a) may include a provision
16 that the contract takes effect only on the approval of the
17 Commissioners Court of Collin County and the voters in the district
18 voting in an election held for that purpose.

19 (c) The Commissioners Court of Collin County shall review a
20 contract under Subsection (a) and evaluate the supplemental police,
21 fire, emergency, and animal control services provided in the
22 contract. If the commissioners court determines that the contract
23 provides adequate services, the commissioners court shall adopt a
24 resolution stating that the contract has met the requirements of
25 Subsection (a).

26 Sec. 8048.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

27 (a) The district is created to serve a public purpose and benefit.

1 (b) The district is created to accomplish the purposes of:

2 (1) a municipal utility district as provided by
3 general law and Section 59, Article XVI, Texas Constitution; and

4 (2) Section 52, Article III, Texas Constitution, that
5 relate to the construction, acquisition, improvement, operation,
6 or maintenance of macadamized, graveled, or paved roads, or
7 improvements, including storm drainage, in aid of those roads.

8 Sec. 8048.0106. INITIAL DISTRICT TERRITORY. (a) The
9 district is initially composed of the territory described by
10 Section 2 of the Act enacting this chapter.

11 (b) The boundaries and field notes contained in Section 2 of
12 the Act enacting this chapter form a closure. A mistake made in the
13 field notes or in copying the field notes in the legislative process
14 does not affect the district's:

15 (1) organization, existence, or validity;

16 (2) right to issue any type of bond for the purposes
17 for which the district is created or to pay the principal of and
18 interest on a bond;

19 (3) right to impose a tax; or

20 (4) legality or operation.

21 SUBCHAPTER B. BOARD OF DIRECTORS

22 Sec. 8048.0201. GOVERNING BODY; TERMS. (a) The district
23 is governed by a board of five elected directors.

24 (b) Except as provided by Section 8048.0202, directors
25 serve staggered four-year terms.

26 Sec. 8048.0202. TEMPORARY DIRECTORS. (a) On or after
27 September 1, 2019, the owner or owners of a majority of the assessed

1 value of the real property in the district may submit a petition to
2 the commission requesting that the commission appoint as temporary
3 directors the five persons named in the petition. The commission
4 shall appoint as temporary directors the five persons named in the
5 petition.

6 (b) Temporary directors serve until the earlier of:

7 (1) the date permanent directors are elected under
8 Section 8048.0103; or

9 (2) September 1, 2023.

10 (c) If permanent directors have not been elected under
11 Section 8048.0103 and the terms of the temporary directors have
12 expired, successor temporary directors shall be appointed or
13 reappointed as provided by Subsection (d) to serve terms that
14 expire on the earlier of:

15 (1) the date permanent directors are elected under
16 Section 8048.0103; or

17 (2) the fourth anniversary of the date of the
18 appointment or reappointment.

19 (d) If Subsection (c) applies, the owner or owners of a
20 majority of the assessed value of the real property in the district
21 may submit a petition to the commission requesting that the
22 commission appoint as successor temporary directors the five
23 persons named in the petition. The commission shall appoint as
24 successor temporary directors the five persons named in the
25 petition.

26 SUBCHAPTER C. POWERS AND DUTIES

27 Sec. 8048.0301. GENERAL POWERS AND DUTIES. The district

1 has the powers and duties necessary to accomplish the purposes for
2 which the district is created.

3 Sec. 8048.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
4 DUTIES. The district has the powers and duties provided by the
5 general law of this state, including Chapters 49 and 54, Water Code,
6 applicable to municipal utility districts created under Section 59,
7 Article XVI, Texas Constitution.

8 Sec. 8048.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
9 52, Article III, Texas Constitution, the district may design,
10 acquire, construct, finance, issue bonds for, improve, operate,
11 maintain, and convey to this state, a county, or a municipality for
12 operation and maintenance macadamized, graveled, or paved roads, or
13 improvements, including storm drainage, in aid of those roads.

14 Sec. 8048.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
15 road project must meet all applicable construction standards,
16 zoning and subdivision requirements, and regulations of each
17 municipality in whose corporate limits or extraterritorial
18 jurisdiction the road project is located.

19 (b) If a road project is not located in the corporate limits
20 or extraterritorial jurisdiction of a municipality, the road
21 project must meet all applicable construction standards,
22 subdivision requirements, and regulations of each county in which
23 the road project is located.

24 (c) If the state will maintain and operate the road, the
25 Texas Transportation Commission must approve the plans and
26 specifications of the road project.

27 (d) The district shall maintain all roads that the district

1 constructs except for roads constructed by the district that
2 another governmental entity agrees to maintain.

3 Sec. 8048.0305. COMPLIANCE WITH MUNICIPAL CONSENT
4 ORDINANCE OR RESOLUTION. The district shall comply with all
5 applicable requirements of any ordinance or resolution that is
6 adopted under Section 54.016 or 54.0165, Water Code, and that
7 consents to the creation of the district or to the inclusion of land
8 in the district.

9 Sec. 8048.0306. DIVISION OF DISTRICT. (a) The district
10 may be divided into two or more new districts only if:

- 11 (1) the district has no outstanding bonded debt;
12 (2) the district is not imposing ad valorem taxes; and
13 (3) the City of Van Alstyne by ordinance or resolution
14 has consented to the division of the district.

15 (b) This chapter applies to any new district created by the
16 division of the district, and a new district has all the powers and
17 duties of the district.

18 (c) Any new district created by the division of the district
19 may not, at the time the new district is created, contain any land
20 outside the area described by Section 2 of the Act enacting this
21 chapter.

22 (d) The board, on its own motion or on receipt of a petition
23 signed by the owner or owners of a majority of the assessed value of
24 the real property in the district, may adopt an order dividing the
25 district.

26 (e) The board may adopt an order dividing the district
27 before or after the date the board holds an election under Section

1 8048.0103 to confirm the district's creation.

2 (f) An order dividing the district shall:

3 (1) name each new district;

4 (2) include the metes and bounds description of the
5 territory of each new district;

6 (3) appoint temporary directors for each new district;

7 and

8 (4) provide for the division of assets and liabilities
9 between or among the new districts.

10 (g) On or before the 30th day after the date of adoption of
11 an order dividing the district, the district shall file the order
12 with the commission and record the order in the real property
13 records of each county in which the district is located.

14 (h) Any new district created by the division of the district
15 shall hold a confirmation and directors' election as required by
16 Section 8048.0103. If the voters of a new district do not confirm
17 the creation of the new district, the assets, obligations,
18 territory, and governance of the new district revert to the
19 original district.

20 (i) Municipal consent to the creation of the district and to
21 the inclusion of land in the district granted under Section
22 8048.0104 acts as municipal consent to the creation of any new
23 district created by the division of the district and to the
24 inclusion of land in the new district.

25 (j) Any new district created by the division of the district
26 must hold an election as required by this chapter to obtain voter
27 approval before the district may impose a maintenance tax or issue

1 bonds payable wholly or partly from ad valorem taxes.

2 Sec. 8048.0307. LIMITATION ON ANNEXATION. The district may
3 not annex territory outside the area described by Section 2 of the
4 Act enacting this chapter unless the City of Van Alstyne by
5 ordinance or resolution has consented to the annexation.

6 Sec. 8048.0308. LIMITATION ON USE OF EMINENT DOMAIN.

7 (a) The district may not exercise the power of eminent domain
8 outside the district to acquire a site or easement for:

9 (1) a road project authorized by Section 8048.0303; or

10 (2) a recreational facility as defined by Section
11 49.462, Water Code.

12 (b) The district may not exercise the power of eminent
13 domain in the corporate limits of the City of Van Alstyne unless the
14 city by ordinance or resolution has consented to the exercise of
15 eminent domain authority.

16 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

17 Sec. 8048.0401. ELECTIONS REGARDING TAXES OR BONDS.

18 (a) The district may issue, without an election, bonds and other
19 obligations secured by:

20 (1) revenue other than ad valorem taxes; or

21 (2) contract payments described by Section 8048.0403.

22 (b) The district must hold an election in the manner
23 provided by Chapters 49 and 54, Water Code, to obtain voter approval
24 before the district may impose an ad valorem tax or issue bonds
25 payable from ad valorem taxes.

26 (c) The district may not issue bonds payable from ad valorem
27 taxes to finance a road project unless the issuance is approved by a

1 vote of a two-thirds majority of the district voters voting at an
2 election held for that purpose.

3 Sec. 8048.0402. OPERATION AND MAINTENANCE TAX. (a) If
4 authorized at an election held under Section 8048.0401, the
5 district may impose an operation and maintenance tax on taxable
6 property in the district in accordance with Section 49.107, Water
7 Code.

8 (b) The board shall determine the tax rate. The rate may not
9 exceed the rate approved at the election.

10 Sec. 8048.0403. CONTRACT TAXES. (a) In accordance with
11 Section 49.108, Water Code, the district may impose a tax other than
12 an operation and maintenance tax and use the revenue derived from
13 the tax to make payments under a contract after the provisions of
14 the contract have been approved by a majority of the district voters
15 voting at an election held for that purpose.

16 (b) A contract approved by the district voters may contain a
17 provision stating that the contract may be modified or amended by
18 the board without further voter approval.

19 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

20 Sec. 8048.0501. AUTHORITY TO ISSUE BONDS AND OTHER
21 OBLIGATIONS. The district may issue bonds or other obligations
22 payable wholly or partly from ad valorem taxes, impact fees,
23 revenue, contract payments, grants, or other district money, or any
24 combination of those sources, to pay for any authorized district
25 purpose.

26 Sec. 8048.0502. TAXES FOR BONDS. At the time the district
27 issues bonds payable wholly or partly from ad valorem taxes, the

1 board shall provide for the annual imposition of a continuing
2 direct ad valorem tax, without limit as to rate or amount, while all
3 or part of the bonds are outstanding as required and in the manner
4 provided by Sections 54.601 and 54.602, Water Code.

5 Sec. 8048.0503. BONDS FOR ROAD PROJECTS. At the time of
6 issuance, the total principal amount of bonds or other obligations
7 issued or incurred to finance road projects and payable from ad
8 valorem taxes may not exceed one-fourth of the assessed value of the
9 real property in the district.

10 SUBCHAPTER F. MUNICIPAL PERMITTING AUTHORITY IN DISTRICT

11 Sec. 8048.0601. MUNICIPAL AUTHORITY. (a) Notwithstanding
12 any other law, a municipality has exclusive authority in the
13 district to:

14 (1) issue building permits and certificates of
15 occupancy;

16 (2) enforce the municipality's building codes;

17 (3) enforce the municipality's health regulations
18 regarding food establishments, public swimming pools, and standing
19 water; and

20 (4) perform an inspection necessary to accomplish the
21 purposes of this subsection.

22 (b) A fee for a permit or certificate issued by a
23 municipality for use in the district may not exceed the fees charged
24 for the same permit or certificate issued for use in the corporate
25 limits of the municipality.

26 SECTION 2. The Van Alstyne County Municipal Utility
27 District No. 2 of Collin County initially includes all the

1 territory contained in the following area:

2 TRACT 1: 1,216.48 ACRES

3 SITUATED in the County of Collin, State of Texas, and being a
4 part of the David Arnspiger Survey, Abstract No. 15, the E. T. Berry
5 Survey, Abstract No. 41, the J. W. Curtis Survey, Abstract
6 No. 1077, the Jonas Whitaker Survey, Abstract No. 981, the W. P.
7 Burns Survey, Abstract No. 100, and the J. Batterton Survey,
8 Abstract No. 94, and being a part of the 1232.837 ac. tract of land
9 conveyed to Vincent Viola by W. Mark David by Special Warranty Deed
10 dated July 30, 2001 and recorded in Volume 4987, Page 726, Deed
11 Records, Collin County, Texas, and being all of the 64.749 ac. tract
12 of land (Tract 3) conveyed to Vincent J. Viola by Don S. Flesher by
13 Warranty Deed dated September 10, 2004 and recorded in Volume 5766,
14 Page 6210, said Collin County Deed Records and being all of the
15 133.814 ac. tract of land conveyed to Vincent J. Viola by Mary Jane
16 Kinsey by Warranty Deed with Vendor's Lien dated March 31, 2004 and
17 recorded in Volume 5642, Page 1395, said Collin County Deed
18 Records, and being all of the 377.45 ac. tract of land conveyed to
19 Vincent J. Viola by Thornton Farm Partnership, Ltd. by Special
20 Warranty Deed with Vendor's Lien dated September 22, 2005 and
21 recorded in Volume 6010, Page 3310, said Collin County Deed
22 Records, and being all of the 61.61 ac. tract of land conveyed to
23 Vincent J. Viola by Jack R. Shirley, Trustee of the Shirley Living
24 Trust by Warranty Deed with Vendor's Lien dated February 26, 2004
25 and recorded in Volume 5616, Page 5706, said Collin County Deed
26 Records, and being more particularly described as one tract of land
27 by metes and bounds as follows, to-wit:

1 BEGINNING at a 1/2 inch rebar set at the Southwest corner of
2 said Viola 133.814 ac., at the Southeast comer of the 40 ac. tract
3 of land conveyed to James R. Thornton in Volume 724, Page 884, said
4 Collin County Deed Records;

5 THENCE North 00 deg. 10 min. 11 sec. East, with the West line
6 of said Viola 133.814 ac. and the East line of said Thornton 40 ac.,
7 a distance of 2,705.48 ft. to a point in the South line of the 77.17
8 ac. tract of land (Tract A) conveyed to MJW Partners, L. P. in
9 Volume 4458, Page 1303, said Collin County Deed Records, at the
10 Northwest comer of said Viola 133.814 ac., at the Northeast corner
11 of said Thornton 40 ac.;

12 THENCE North 88 deg. 39 min. 20 sec. East, with the South line
13 of said MJW Partners 77.17 ac. and the North line of said Viola
14 133.814 ac., a distance of 479.16 ft. to a point at the Southeast
15 corner of said MJW Partners 77.17 ac., at the most Southerly
16 Southwest comer of said 377.45 ac.;

17 THENCE North 00 deg. 31 min. 02 sec. East, with the West line
18 of said 377.45 ac. and the East line of said MJW Partners 77.17 ac.,
19 a distance of 450.50 ft. to an angle point;

20 THENCE North 00 deg. 51 min. 11 sec. East, continuing with the
21 West line of said 377.45 ac. and the East line of said MJW Partners
22 77.17 ac., a distance of 856.69 ft. to an angle point;

23 THENCE North 00 deg. 38 min. 27 sec. East, continuing with the
24 West line of said 377.45 ac. and the East line of said MJW Partners
25 77.17 ac., a distance of 1,265.62 ft. to a point at the most
26 Easterly Northeast comer of said MJW Partners 77.17 ac.;

27 THENCE North 89 deg. 34 min. 48 sec. West, with a North line

1 of said MJW Partners 77.17 ac. and a South line of said 377.45 ac., a
2 distance of 78.26 ft. to a point for an Ell corner of said 377.45
3 ac.;

4 THENCE North 00 deg. 49 min. 48 sec. West, with an East line
5 of said MJW Partners 77.17 ac. and a West line of said 377.45 ac.,
6 passing a Northeast corner of said MJW Partners 77.17 ac. and the
7 Southeast comer of the 2.46 ac. tract of land (Tract B) conveyed to
8 MJW Partners, L.B. in said Volume 4458, Page 1303, and continuing
9 now with the East line of said MJW Partners 2.46 ac. for a total
10 distance of 264.00 ft. to a point at the Northeast comer of said MJW
11 Properties 2.46 ac.;

12 THENCE North 89 deg. 34 min. 48 sec. West, with the North line
13 of said MJW Partners 2.46 ac. and a South line of said 377.45 ac., a
14 distance of 424.33 ft. to a point at the most Westerly Southwest
15 corner of said 377.45 ac., at the Northwest corner of said MJW
16 Partners 2.46 ac.;

17 THENCE North 00 deg. 03 min. 15 sec. West, entering the
18 pavement of Collin County Road No, 222, passing the most Easterly
19 Southeast comer of the 12.5 ac. tract of land (First Tract) conveyed
20 to Julie Elizabeth Fifer Hilbun in Volume 4753, Page 394, said
21 Collin County Deed Records, being the intersection of the center of
22 said Collin County Road No. 222 with the center of Collin County
23 Road No. 291 and continuing now with the center of said Collin
24 County Road No. 291, passing the Northeast comer of said Hilbun
25 12.5 ac. and the most Easterly Southeast comer of the 89.74 ac.
26 tract of land conveyed to Lee Brock and Michael Adams in

27 Volume 4971, Page 3703, said Collin County Deed Records, a

1 Northeast corner of said Batterton Survey, the Southeast corner of
2 said Whitaker Survey, and continuing now with the East line of both
3 said Whitaker Survey and said Brock & Adams 89.74 ac. and the West
4 line of said Arnspiger Survey, passing the Northeast corner of said
5 Brock & Adams 89.74 ac. and the Southeast corner of the 113.35 ac.
6 tract of land conveyed to Claude T. Dowell and Betty M. Dowell in
7 Collin County Clerk File No. 96-0003539, and continuing now with
8 the East line of said Dowell 113.35 ac. for a total distance of
9 2,879.39 ft. to a PK nail at the Northwest corner of said 6.29 ac.,
10 at the Southwest corner of the 5.00 ac. tract of land conveyed to
11 Wood Family Trust in Volume 3910, Page 772, said Grayson County
12 Official Public Records, at the most Westerly Northwest corner of
13 the herein described tract;

14 THENCE South 88 deg. 53 min. 10 sec. East, with the South line
15 of said Wood Family Trust 5.00 ac., a distance of 573.19 ft. to a
16 point at the Southeast corner of said Wood Family Trust 5.00 ac., at
17 an Ell corner of said 6.29 ac.;

18 THENCE North 00 deg. 03 min. 10 sec. West, with the East line
19 of said Wood Family Trust 5.00 ac., a distance of 126.09 ft. to a
20 point for corner on the common line of Collin County and Grayson
21 County;

22 THENCE South 87°59'17" East, departing the East line of said
23 Wood Family Trust 5.00 ac., with the common line of said Collin
24 County and Grayson County, a distance of 5,627.71 feet to a point in
25 the center of a creek;

26 THENCE South 06 deg. 38 min. 18 sec. West, departing the
27 common line of said Collin County and Grayson County, and with the

1 center of said creek, a distance of 259.52 ft. to a point for
2 corner;

3 THENCE South 02 deg. 15 min. 16 sec. East, continuing with the
4 center of said creek, a distance of 87.99 ft. to a point in the
5 center of County Road No. 290;

6 THENCE North 87 deg. 49 min. 46 sec. East, with the center of
7 said County Road No. 290, a distance of 1,121.68 ft. to a point at
8 an Ell comer;

9 THENCE North 17 deg. 08 min. 05 sec. East, continuing with the
10 center of said County Road No. 290, distance of 274.78 ft. to a
11 point in the South line of said Grayson County, in the North line of
12 said Collin County;

13 THENCE South 88 deg. 01 min. 11 sec. East, continuing with the
14 center of said County Road No. 290, a distance of 918.91 ft. to a
15 point in the West right-of-way line of U. S. Highway No. 75;

16 THENCE Southerly, with the West right-of-way line of said U.
17 S. Highway No. 75, the following calls and distances:

18 South 02 deg. 54 min. 36 sec. West, a distance of 27.94 ft. to
19 an angle point;

20 South 30 deg. 46 min. 30 sec. East, a distance of 183.31 ft.
21 to an angle point;

22 South 88 deg. 06 min. 30 sec. East, a distance of 449.88 ft.
23 to an angle point;

24 South 44 deg. 01 min. 30 sec. East, a distance of 59.33 ft. to
25 a point at the beginning of a curve;

26 Southerly, with a non-tangent curve to the right having a
27 radius of 11,236.22 ft. and a central angle of 02 deg. 19 min.

1 08 sec. (chord bears South 00 deg. 12 min. 56 sec. West,
2 454.72 ft.), an arc distance of 454,76 ft. to an angle point;
3 South 02 deg. 36 min. 16 sec. East, a distance of 360.12 ft.
4 to an angle point;
5 South 00 deg. 25 min. 13 sec. West, a distance of 599.93 ft.
6 to an angle point;
7 South 01 deg. 22 min. 30 sec. West, a distance of 199.95 ft.
8 to an angle point;
9 South 04 deg. 42 min. 49 sec. West, a distance of 600.86 ft.
10 to an angle point;
11 South 07 deg. 09 min. 20 sec. East, a distance of 202.18 ft.;
12 South 00 deg. 03 min. 25 sec. East, a distance of 400.02 ft.
13 to an angle point;
14 South 01 deg. 22 min. 30 sec. West, a distance of 999.74 ft.
15 to an angle point;
16 South 10 deg. 21 min. 51 sec. West, a distance of 195.80 ft.
17 to an angle point;
18 South 07 deg. 03 min. 08 sec. East, a distance of 208.75 ft.
19 to an angle point;
20 South 00 deg. 03 min. 25 sec. East, a distance of 400.02 ft.
21 to an angle point;
22 South 07 deg. 33 min. 03 sec. West, a distance of 185.86 ft.
23 to an angle point;
24 South 45 deg. 36 min. 30 sec. West, a distance of 42.98 ft. to
25 an angle point;
26 South 01 deg. 22 min. 30 sec. West, a distance of 24.40 ft. to
27 a point in the center of County Road No. 372;

1 THENCE Westerly, with the center of said County Road No. 372,
2 the following calls and distances:
3 South 89 deg. 42 min. 59 sec. West, a distance of 353.70 ft.;
4 South 86 deg. 10 min. 45 sec. West, a distance of 143.79 ft.;
5 North 87 deg. 30 min. 14 sec. West, a distance of 53.25 ft.;
6 North 74 deg. 09 min. 11 sec. West, a distance of 54.65 ft.;
7 North 66 deg. 03 min. 55 sec. West, a distance of 186.27 ft.;
8 North 69 deg. 12 min. 09 sec. West, a distance of 184.29 ft.;
9 North 86 deg. 57 min. 36 sec. West, a distance of 96.84 ft.;
10 South 48 deg. 48 min. 29 sec. West, a distance of 93.49 ft.;
11 South 33 deg. 28 min. 27 sec. West, a distance of 305.00 ft.;
12 South 37 deg. 10 min. 57 sec. West, a distance of 265.16 ft.;
13 South 55 deg. 13 min. 57 sec. West, a distance of 89.72 ft.;
14 North 83 deg. 28 min. 02 sec. West, a distance of 100.14 ft.;
15 North 68 deg. 03 min. 52 sec. West, a distance of 396.07 ft.;
16 North 60 deg. 49 min. 08 sec. West, a distance of 186.54 ft.;
17 North 67 deg. 57 min. 27 sec. West, a distance of 71.26 ft.;
18 North 89 deg. 56 min. 56 sec. West, a distance of 69.12 ft.;
19 South 75 deg. 45 min. 15 sec. West, a distance of 103.51 ft.;
20 South 83 deg. 05 min. 09 sec. West, a distance of 72.42 ft.;
21 North 85 deg. 18 min. 09 sec. West, a distance of 68.25 ft.;
22 North 81 deg. 39 min. 08 sec. West, a distance of 527.44 ft.;
23 South 82 deg. 17 min. 34 sec. West, a distance of 143.98 ft.;
24 South 60 deg. 43 min. 16 sec. West, a distance of 129.67 ft.
25 to the intersection of the center of said County Road No. 372
26 with the center of said County Road No. 290;
27 THENCE South 51 deg. 14 min. 09 sec. West, with the center of

1 said County Road No. 290, a distance of 159.23 ft. to an angle
2 point;

3 THENCE South 52 deg. 34 min. 25 sec. West, continuing with the
4 center of said County Road No. 290, a distance of 692.22 ft. to a
5 point at the Southeast corner of the property conveyed to Tristian
6 D. Pfeffer in Volume 3064, Page 593, said Collin County Deed
7 Records;

8 THENCE North 01 deg. 04 min. 20 sec. West, with the East line
9 of said Pfeffer tract, a distance of 295.17 ft. to a point at the
10 Northeast comer of said Pfeffer tract;

11 THENCE North 89 deg. 16 min. 11 sec. West, with the North line
12 of said Pfeffer tract, passing the Northwest comer of said Pfeffer
13 tract and the Northeast corner of the property conveyed to Michael
14 Ray Ashley, and continuing now with the North line of said Ashley
15 tract for a total distance of 547.91 ft. to a point at the Northwest
16 comer of said Ashley tract;

17 THENCE South 04 deg. 31 min. 06 sec. West, with the West line
18 of said Ashley tract, passing the Southwest comer of said Ashley
19 tract and continuing for a total distance of 872.74 ft. to a point
20 in the center of said County Road No. 290;

21 THENCE South 34 deg. 58 min. 46 sec. West, with the center of
22 said County Road No. 290, a distance of 568.84 ft. to an angle
23 point;

24 THENCE North 87 deg. 43 min. 32 sec. West, continuing with the
25 center of said County Road No. 290, a distance of 425.02 ft. to a
26 point at the intersection of the center of said County Road No. 290
27 with the center of a creek, at the Southeast comer of the 18.632 ac.

1 tract of land conveyed to Stephen V. Jones and Kristi S. Jones in
2 Volume 4140, Page 3149, said Collin County Deed Records;

3 THENCE Northerly, with the center of a creek, maintaining the
4 East line of said Jones 18.632 ac., the following the calls and
5 distances:

- 6 North 04 deg. 31 min. 06 sec. East, a distance of 86.50 ft.;
- 7 North 35 deg. 11 min. 54 sec. West, a distance of 93.77 ft.;
- 8 North 23 deg. 28 min. 54 sec. West, a distance of 55.00 ft.;
- 9 North 52 deg. 28 min. 54 sec. West, a distance of 42.00 ft.;
- 10 North 26 deg. 48 min. 54 sec. West, a distance of 29.70 ft.;
- 11 North 69 deg. 58 min. 54 sec. West, a distance of 25.40 ft.;
- 12 North 31 deg. 08 min. 54 sec. West, a distance of 27.30 ft.;
- 13 North 05 deg. 49 min. 16 sec. West, a distance of 61.40 ft.;
- 14 North 15 deg. 44 min. 06 sec. East, a distance of 29.40 ft.;
- 15 North 31 deg. 13 min. 54 sec. West, a distance of 22.00 ft.;
- 16 North 79 deg. 23 min. 54 sec. West, a distance of 16.10 ft.;
- 17 North 00 deg. 46 min. 06 sec. East, a distance of 50.00 ft.;
- 18 North 31 deg. 45 min. 06 sec. East, a distance of 24.60 ft.;
- 19 North 02 deg. 31 min. 06 sec. East, a distance of 26.40 ft.;
- 20 North 34 deg. 28 min. 06 sec. East, a distance of 43.20 ft.;
- 21 North 13 deg. 08 min. 54 sec. West, a distance of 54.70 ft.;
- 22 North 00 deg. 31 min. 06 sec. East, a distance of 82.20 ft.;
- 23 North 19 deg. 28 min. 54 sec. West, a distance of 80.00 ft.;
- 24 North 40 deg. 03 min. 54 sec. West, a distance of 37.60 ft.;
- 25 North 17 deg. 46 min. 06 sec. East, a distance of 43.20 ft.;
- 26 North 58 deg. 31 min. 06 sec. East, a distance of 36.10 ft.;
- 27 North 28 deg. 28 min. 54 sec. West, a distance of 44.00 ft.;

1 North 56 deg. 28 min. 54 sec. West, a distance of 21.00 ft. ;
2 North 21 deg. 15 min. 54 sec. West, a distance of 51.60 ft. ;
3 South 48 deg. 11 min. 06 sec. West, a distance of 24.00 ft. ;
4 North 44 deg. 08 min. 54 sec. West, a distance of 30.40 ft. ;
5 North 85 deg. 28 min. 54 sec. West, a distance of 26.00 ft. ;
6 North 43 deg. 28 min. 54 sec. West, a distance of 26.50 ft. ;
7 North 85 deg. 28 min. 54 sec. West, a distance of 42.70 ft. ;
8 North 27 deg. 08 min. 54 sec. West, a distance of 75.00 ft. ;
9 North 13 deg. 28 min. 54 sec. West, a distance of 25.30 ft. ;
10 North 34 deg. 28 min. 54 sec. West, a distance of 25.90 ft. ;
11 North 18 deg. 36 min. 54 sec. West, a distance of 78.20 ft. ;
12 North 68 deg. 31 min. 06 sec. East, a distance of 22.40 ft. ;
13 North 46 deg. 42 min. 06 sec. East, a distance of 36.00 ft. ;
14 North 44 deg. 28 min. 54 sec. West, a distance of 78.70 ft. ;
15 North 37 deg. 37 min. 54 sec. West, a distance of 22.43 ft. ;
16 South 81 deg. 30 min. 06 sec. West, a distance of 53.20 ft. ;
17 North 16 deg. 18 min. 59 sec. West, a distance of 60.42 ft. to
18 a point at the Northeast comer of said Jones 18.632 ac. ;
19 THENCE South 89 deg. 18 min. 29 sec. West, with the North line
20 of said Jones 18.632 ac., a distance of 293.17 ft. to a point at the
21 Northwest comer of said Jones 18.632 ac. ;
22 THENCE South 00 deg. 19 min. 05 sec. East, with the West line
23 of said Jones 18.632 ac., a distance of 62.47 ft. to a 1/2 inch rebar
24 found at the Northwest base of a 48 inch tree at a fence comer, at
25 the Northeast comer of said Viola 133.814 ac. ;
26 THENCE South 00 deg. 24 min. 08 sec. East, continuing with the
27 West line of said Jones 18.632 ac., a distance of 1,026.81 ft. to a

1 1/2 inch rebar found in the center of said County Road No. 290, at
2 the Southwest comer of said Jones 18.632 ac.;

3 THENCE South 89 deg. 26 min. 03 sec. West, with the center of
4 said County Road No. 290, a distance of 772.79 ft. to a 1/2 inch
5 rebar found at an Ell comer of said Viola 133.814 ac.;

6 THENCE South 00 deg. 16 min. 20 sec. West, continuing with the
7 center of said County Road No. 290, a distance of 1,686.94 ft. to a
8 1/2 inch rebar found at the most Southerly Southeast corner of said
9 Viola 133.814 ac.;

10 THENCE North 89 deg. 36 min. 49 sec. West, continuing with the
11 center of said County Road No. 290 and with the South line of said
12 Viola 133.814 ac., a distance of 798.24 ft. to a 1/2 inch rebar
13 found at the Northeast corner of the 10.669 ac. tract of land
14 conveyed to Delmore A. Church and Joyce church in Volume 702, Page
15 585, said Collin County Deed Records;

16 THENCE North 89 deg. 29 min. 33 sec. West, continuing with the
17 center of said County Road No. 290 and with the North line of said
18 Church 10.669 ac., a distance of 935.50 ft. to a point at the
19 Northwest comer of said Church 10.669 ac.;

20 THENCE South 00 deg. 17 min. 31 sec. East, with the West line
21 of said Church 10.669 ac., a distance of 5.80 ft. to a point at the
22 Northeast corner of the 103 ac. tract of land conveyed to James
23 Robert Thornton in Volume 1596, Page 467 and Volume 1599; Page 451,
24 said Collin County Deed Records;

25 THENCE North 89 deg. 44 min. 24 sec. West; with the center of
26 Collin County Road No. 11.01, a public road, and with the North line
27 of said Thornton 103 ac., a distance of 118.58 ft. to the PLACE OF

1 BEGINNING and containing 1,245.57 ACRES of land.

2 LESS AND EXCEPT the tract described below.

3 SITUATED in the County of Collin, State of Texas, and being a
4 part of the Jonas Whitaker Survey, Abstract No. 981, being a part of
5 the E.T. Berry Survey, Abstract No. 41, and being all of the
6 property conveyed to D. E. Billups, lying in the E.T. Berry Survey,
7 and being all of the property conveyed to Geraldine Billups in
8 Volume 4831, Page 862, Collin County Deed Records, and being all of
9 the property conveyed to John Adams and Paul Adams in County Clerks
10 File No. 94-0083801, and being more particularly described as one
11 tract of land by metes and bounds as follows, to-wit:

12 BEGINNING at a point in the center of County Road No. 290, at
13 the Southwest comer of both said John & Paul Adams tract and the
14 herein described exception tract;

15 THENCE North 00 degrees 17 minutes 41 seconds West, with the
16 center of said County Road No. 290, a distance of 234.95 feet to a
17 point at the intersection of the center of said County Road No. 290
18 and County Road No. 222, at an angle point in the West line of the
19 herein described exception tract;

20 THENCE North 00 degrees 13 minutes 11 seconds West,
21 continuing with the center of said County Road No. 290, passing the
22 Northwest comer of said John & Paul Adams tract, and the Southwest
23 comer of said Geraldine Billups tract, passing the Northwest comer
24 of said Geraldine Billups tract and the Southwest corner of said D.
25 E. Billups tract and continuing now with the West line of said D. E.
26 Billups tract for a total distance of 612.61 feet to a point at the
27 Northwest comer of both said D. E. Billups tract and the herein

1 described exception tract;

2 THENCE North 89 degrees 37 minutes 36 seconds East, with the
3 North line of said D. E. Billups tract, a distance of 1,418.49 feet
4 to a point at the Northeast comer of both said D. E. Billups tract
5 and the herein described exception tract;

6 THENCE Southerly, with the East line of said D. E. Billups
7 tract, said Geraldine Billups tract and said John & Paul Adams
8 tract, the following calls and distances:

9 South 22 degrees 07 minutes 54 seconds East, a distance of
10 107.40 feet to an angle point;

11 South 36 degrees 30 minutes 12 seconds West, a distance of
12 123.56 feet to an angle point;

13 South 55 degrees 01 minutes 11 seconds East, a distance of
14 127.51 feet to an angle point;

15 South 09 degrees 13 minutes 07 seconds East, a distance of
16 307.63 feet to an angle point;

17 South 00 degrees 53 minutes 06 seconds West, a distance of
18 272.87 feet to a point atthe Southeast corner of both said
19 John & Paul Adams tract and the herein described exception
20 tract;

21 THENCE South 89 degrees 41 minutes 09 seconds West, with the
22 South line of said John & Paul Adams tract, a distance of 1,531.42
23 feet to the PLACE OF BEGINNING and containing 29.09 ACRES of land
24 less and excepted from the above described 1,245.57 ac. tract and
25 leaving a NET ACREAGE of 1,216.48 ACRES of land, all of which lies
26 entirely within the Extraterritorial Jurisdiction of the City of
27 Van Alstyne, as established by the "Boundary Line Settlement

1 Agreement" dated September 12, 2006, to be filed in the Official
2 Public Records of Collin County, Texas.

3 TRACT 2: 362.23 ACRES

4 SITUATED in the County of Collin, State of Texas, and being a
5 part of the Hanny Nelson Survey, Abstract No. 431, and being a part
6 of the J.C. Burge Survey, Abstract No. 106, and being a part of the
7 W. M. Creager Survey, Abstract No. 164, and being a part of the
8 363.943 ac. tract of land (Tract 2) and all of the 217.416 ac. tract
9 of land (Tract 3), both conveyed to Vincent Viola by W. Mark David
10 by Special Warranty Deed dated July 30, 2001 and recorded in Volume
11 4987, Page 697, Deed Records, Collin County, Texas, and being more
12 particularly described as one tract of land by metes and bounds as
13 follows, to-wit:

14 BEGINNING at a point in East right-of-way line of U. S.
15 Highway No. 75, in the center of Collin County Road No. 290, at the
16 most Northerly Northwest comer of said Viola Tract 2;

17 THENCE South 87 deg. 47 min. 57 sec. East, with the center of
18 said Collin County Road No. 290, a distance of 677.09 ft. to a point
19 at the Northeast comer of said Viola Tract 2, at the Northwest comer
20 of said Viola Tract 3;

21 THENCE South 88 deg. 25 min. 32 sec. East, continuing with the
22 center of said Collin County Road No. 290, a distance of 447.93 ft.
23 to a point at the Northwest comer of the property conveyed to Jim
24 Lawrence in Volume 1498, Page 563, said Collin County Deed Records;

25 THENCE South 01 deg. 54 min. 14 sec. West, with the West line
26 of said Lawrence tract, a distance of 599.97 ft. to a point at the
27 Southwest comer of said Lawrence tract;

1 THENCE South 88 deg. 12 min. 30 sec. East, with the South line
2 of said Lawrence tract, a distance of 579.90 ft. to a point at the
3 Southeast comer of said Lawrence tract;

4 THENCE North 01 deg. 58 min. 08 sec. East, with the East line
5 of said Lawrence tract, a distance of 602.17 ft. to a point in the
6 center of said Collin County Road No. 290, at Northeast corner of
7 said Lawrence tract;

8 THENCE South 88 deg. 25 min. 32 sec. East, with the center of
9 said Collin County Road No. 290, passing the most Westerly
10 Southwest corner of the property conveyed to Tucker B. McDonald in
11 Collin County Clerk's File No. 94-9053991, and continuing now with
12 a South line of said McDonald tract for a total distance of 815.54
13 ft. to a point at a Northeast comer of said Viola Tract 3, at an Ell
14 comer of said McDonald tract;

15 THENCE South 01 deg. 55 min. 23 sec. West, with a West line of
16 said McDonald tract, a distance of 144.12 ft. to a point at the
17 Southwest corner of said McDonald tract;

18 THENCE South 88 deg. 09 min. 09 sec. East, with a South line
19 of said McDonald tract, passing the Southeast comer of said
20 McDonald tract and a Southwest comer of the property conveyed to
21 Forrest W. Moore in Volume 1799, Page 804, said Collin County Deed
22 Records, and continuing now with a South line of said Moore tract
23 for a total distance of 1,372.74 ft. to a point in West right-of-way
24 line of State Highway No. 5, at the Northeast comer of both said
25 Viola Tract 3 and the herein described tract;

26 THENCE South 21 deg. 08 min. 14 sec. East, with the West
27 right-of-way line of said State Highway No. 5, a distance of

1 1,357.58 ft. to a point at the most Easterly Southeast corner of
2 both said Viola Tract 3. and the herein described tract, at the
3 Northeast corner of the property conveyed to John E. Steffens in
4 Collin County Clerk's File No. 93-0104713;

5 THENCE North 87 deg. 57 min. 15 sec. West, with the North line
6 of said Steffens tract, a distance of 701.67 ft. to a point at the
7 Northwest corner of said Steffens tract;

8 THENCE South 00 deg. 32 min. 52 sec. East, with the West line
9 of said Steffens tract, a distance of 185.54 ft. to a point in the
10 North line of the property conveyed to Ann Marie Forlenza in Collin
11 County Clerk ' s File No. 96-0016528, at the Southwest corner of
12 said Steffens tract;

13 THENCE North 88 deg. 15 min. 56 sec. West, with the North line
14 of said Forlenza tract, passing the Northwest corner of said
15 Forlenza tract and the Northeast corner of Anna 103, an Addition to
16 Collin County, Texas, s recorded in the Collin County Plat Records,
17 a distance of 219.14 ft. to an angle point in the North line of said
18 Anna 103 Addition;

19 THENCE North 88 deg. 54 min. 31 sec. West, continuing with the
20 North line of said Anna 103 Addition, a distance of 802.35 ft. to a
21 point at the Northwest corner of said Anna 103 Addition;

22 THENCE South 02 deg. 22 min. 42 sec. West, with the West line
23 of said Anna 103 Addition, a distance of 2,263.74 ft. to a point at
24 the Northeast corner of the property conveyed to Ronald Larue in
25 Volume 1697, Page 57, said Collin County Deed Records;

26 THENCE North 83 deg. 28 min. 52 sec. West, with the North line
27 of said Larue tract, a distance of 386.62 ft. to a-point at the

1 Northwest corner of said Larue tract;

2 THENCE South 02 deg. 22 min. 41 sec. West, with the West line
3 of said Larue tract, a distance of 335.53 ft. to a point in the North
4 line of the property conveyed to Virginia R. Bryant in Volume 2867,
5 Page 168, said Collin County Deed Records, at the Southwest comer of
6 said Larue tract;

7 THENCE North 86 deg. 56 min. 09 sec. West, with the North line
8 of said Bryant tract, a distance of 474.85 ft. to a point at the
9 Northwest comer said Bryant tract;

10 THENCE North 87 deg. 00 min. 45 sec. West, a distance of
11 597.94 ft. to a point at the Southe:ist corner of the Mantua
12 Cemetery;

13 THENCE North 01 deg. 35 min.. 32 sec. East , with the East
14 line of said Mantua Cemetery, a distance of 372.22 ft. to a point at
15 the Northeast comer of said Mantua Cemetery;

16 THENCE South 54 deg. 09 min. 25 sec. West, with the North line
17 of said Mantua Cemetery, a distance of 319.95 ft. to an angle point;

18 THENCE North 40 deg. 29 min. 38 sec. West, continuing with the
19 North line of said Mantua Cemetery, a distance of 134.58 ft. to an
20 angle point;

21 THENCE South 81 deg. 54 min. 46 sec. West, continuing with the
22 North line of said Mantua Cemetery, a distance of 60.47 ft. to an
23 angle point;

24 THENCE South 20 deg. 08 min. 34 sec. West, continuing with the
25 North line of said Mantua Cemetery, a distance of 155.17 ft. to an
26 angle point;

27 THENCE South 69 deg. 37 min. 57 sec. West, continuing with the

1 North line of said Mantua Cemetery, a distance of 17.16 ft. to a
2 point in the center of a public road, at the Northwest corner of said
3 Mantua Cemetery;

4 THENCE South 03 deg. 13 min. 52 sec. West, with the West line
5 of said Mantua Cemetery, a distance of 102.46 ft. to a point at the
6 Southwest corner of said Mantua Cemetery;

7 THENCE South 87 deg. 00 min. 45 sec. East, with the South line
8 of said Mantua Cemetery, a distance of 23.27 ft. to a point in the
9 center of said public road;

10 THENCE South 08 deg. 32 min. 03 sec. West, with the center of
11 said public road, a distance of 105.61 ft. to an angle point;

12 THENCE South 36 deg. 51 min. 30 sec. West, continuing with the
13 center of said public road, a distance of 94.21 ft. to an angle
14 point;

15 THENCE South 51 deg. 48 min. 17 sec. West, continuing with the
16 center of said public road, a distance of 78.22 ft. to an angle
17 point;

18 THENCE South 56 deg. 56 min. 45 sec. West, continuing with the
19 center of said public road, a distance of 149.91 ft. to an angle
20 point;

21 THENCE South 57 deg. 35 min. 20 sec. West, continuing with the
22 center of said public road, a distance of 87.86 ft. to a point at the
23 most Northerly Northeast corner of the property conveyed to Leonard
24 Harlow in Collin County Clerk's File No. 92-0054819;

25 THENCE South 72 deg. 58 min. 34 sec. West, with a North line
26 of said Harlow tract, a distance of 246.79 ft. to a point at the most
27 Northerly Northwest corner of said Harlow tract;

1 THENCE South 01 deg. 36 min. 58 sec. West, with a West line of
2 said Harlow tract, a distance of 398.78 ft. to an angle point;

3 THENCE South 21 deg. 05 min. 34 sec. West, with a North line
4 of said Harlow tract, a distance of 82.04 ft. to a point at an Ell
5 corner of said Harlow tract;

6 THENCE North 87 deg. 34 min. 30 sec. West, continuing with a
7 North line of said Harlow tract, entering the centerline of said
8 public road and continuing for a distance of 233.21 ft. to a point
9 at the most Westerly Northwest comer of said Harlow tract;

10 THENCE South 89 deg. 26 min. 08 sec. West, with the center of
11 said public road, a distance of 492.32 ft. to a point at the
12 intersection of the center of said public road with the East
13 right-of-way line of said U. S. Highway No. 75;

14 THENCE Northerly, with the East right-of-way line of U. S.
15 Highway No. 75, the following calls and distances:

16 North 01 deg. 22 min. 30 sec. East, a distance of 26.10 ft to
17 an angle point;

18 North 44 deg. 23 min. 30 sec. West, a distance of 41.84 ft. to
19 an angle point;

20 North 01 deg. 22 min. 30 sec. East, a distance of 774.10 ft.
21 to an angle point;

22 North 04 deg. 20 min. 30 sec. West, a distance of 200.95 ft.
23 to an angle point;

24 North 01 deg. 22 min. 30 sec. East, a distance of 199.95 ft.
25 to an angle point;

26 North 04 deg. 14 min. 15 sec. East, a distance of 200.20 ft.
27 to an angle point;

1 North 07 deg. 05 min. 08 sec. East, a distance of 200.95 ft.
2 to an angle point;
3 North 01 deg. 22 min. 30 sec. East, a distance of 199.95 ft.
4 to an angle point;
5 North 04 deg. 20 min. 08 sec. West, a distance of 200.95 ft.
6 to an angle point;
7 North 00 deg. 03 min. 25 sec. West, a distance of 400.02 ft.
8 to an angle point;
9 North 09 deg. 54 min. 21 sec. East, a distance of 202.18 ft.
10 to an angle point;
11 North 07 deg. 09 min. 20 sec. West, a distance of 202.18 ft.
12 to an angle point;
13 North 00 deg. 32 min. 03 sec. West, a distance of 600.18 ft.
14 to an angle point;
15 North 04 deg. 57 min. 05 sec. East, a distance of 400.68 ft.
16 to an angle point;
17 North 07 deg. 05 min. 08 sec. East, a distance of 401.89 ft.
18 to an angle point;
19 North 01 deg. 22 min. 31 sec. East, a distance of 159.31 ft.
20 to a point at the beginning of a curve;
21 Northerly, with a curve to the left having a radius of
22 11,681.11 ft. and a central angle of 02 deg. 16 min. 07 sec.
23 (chord bears North 00 deg. 14 min. 28. sec. East, 462.48 ft.),
24 an arc distance of 462.51 ft. to a point at the end of said
25 curve;
26 North 49 deg. 37 min. 30 sec. East, a distance of 43.80 ft. to
27 an angle point;

1 South 88 deg. 06 min. 30 sec. East, a distance of 479.87 ft.
2 to an angle point;
3 North 24 deg. 52 min. 30 sec. East, a distance of 179.23 ft.
4 to an angle point;
5 North 01 deg. 34 min. 28 sec. East, a distance of 18.13 ft. to
6 the PLACE OF BEGINNING and containing 362.23 ACRES of land,
7 all of which lies entirely within the Extraterritorial.
8 Jurisdiction of the City of Van Alstyne, as established by
9 the "Boundary Line Settlement Agreement" dated September 12,
10 2006, to be filed in the Official Public Records of Collin
11 County, Texas.

12 TRACT 3: 34.40 ACRES

13 SITUATED in the County of Collin, State of Texas, and being a
14 part of the W. M. Creager Survey, Abstract No. 164, being a part of
15 the Hanny Nelson Survey, Abstract No. 431, and being all of the
16 14.381 ac. tract of land (Tract 4) and 20.024 ac. tract of land
17 (Tract 5) both conveyed to Vincent Viola by W. Mark David by Special
18 Warranty Deed dated July 30, 2001 and recorded in Volume 4987, Page
19 697, Deed Records, Collin County, Texas, and being more
20 particularly described as one tract of land by metes and bounds as
21 follows, o-wit:

22 BEGINNING at a point in the center of Collin County Road
23 No. 290, a public road, in the East-right-of-way line of State
24 Highway No. 5, at the Northwest comer of said Viola Tract 4;

25 THENCE South 86 deg. 46 min. 04 sec. East, with the center of
26 said Collin County Road No. 290 and the North line of said Viola
27 Tract 4, a distance of 752.83 ft. to a point at the Northeast comer

1 of said Viola Tract 4, at the Northwest comer of the property
2 conveyed to Rollin G. Andreas in Collin County Clerk's File
3 No. 95-0024818;

4 THENCE South 02 deg. 30 min. 46 sec. West, with the West line
5 of said Andreas tract, a distance of 1,162.43 ft. to a point at the
6 Southwest comer of said Andreas tract, at the most Northerly
7 Northwest corner of said Viola Tract 5;

8 THENCE South 88 deg. 22 min. 09 sec. East, with the South line
9 of said Andreas tract, passing the Southeast comer of said Andreas
10 tract and the Southwest comer of the property conveyed to Clyde L.
11 Depew in Volume 2709, Page 88, said Collin County Deed Records, and
12 continuing now with the South line of said Depew tract, passing the
13 Southeast corner of said Depew tract and the Southwest corner of the
14 property conveyed to Donald H. Topper in Volume 3139, Page 13, said
15 Collin County Deed Records, and continuing now with the South line
16 of said Topper tract for total distance of 1,305.31 ft. to a point
17 at the Northeast comer of said Viola Tract 5;

18 THENCE South 02 deg. 11 min. 51 sec. West, with the East line
19 of said Viola Tract 5, a distance of 661.46 ft. to a point at the
20 Southeast corner of both said Viola Tract 5 and the herein described
21 tract, at a comer of the property conveyed to Osa W. Marshhall in
22 Volume 756, Page 823, said Collin County Deed Records;

23 THENCE North 87 deg. 53 min. 32 sec. West, with the South line
24 of said Viola Tract 5 and the North line of said Marshhall tract, a
25 distance of 1,263.76 ft. to a point in the East right- of-way line
26 of said State Highway No. 5, at the Southwest comer of both said
27 Viola Tract 5 and the herein described tract, at the Northwest comer

1 of said Marshhall tract;

2 THENCE North 21 deg. 07 min. 59 sec. West, with the East
3 right-of-way line of said State Highway No. 5 and the West line of
4 said Viola Tract 5, passing the most Westerly Northwest corner of
5 said Viola Tract 5 and the Southwest comer of said Viola Tract 4 and
6 continuing now with the West line of said Viola Tract 4 for a total
7 distance of 1,989.19 ft. to the PLACE OF BEGINNING and containing
8 34.40 ACRES of land, all of which lies entirely within the
9 Extraterritorial Jurisdiction of the City of Van Alstyne, as
10 established by the "Boundary Line Settlement Agreement" dated
11 September 12, 2006, to be filed in the Official Public Records of
12 Collin County, Texas.

13 TRACT 4: 6.12 ACRES

14 SITUATED in the County of Collin, State of Texas, and being a
15 part of the W. M. Creager Survey, Abstract No. 164, and being all of
16 the 6.120 ac. tract of land (Tract 6) conveyed to Vincent Viola by
17 W. Mark David by Special Warranty Deed dated July 30, 2001 and
18 recorded in Volume 4987, Page 697, Deed Records, Collin County,
19 Texas, and being more particularly described as one tract of land by
20 metes and bounds as follows, to-wit:

21 BEGINNING at a point in the West right-of-way line of State
22 Highway No. 5, at the Northeast comer of said Viola Tract 6, at the
23 Southeast corner of the property conveyed to John E. Steffens in
24 Collin County Clerk's File No. 93-0104713;

25 THENCE South 21 deg. 08 min. 14 sec. East, with the West
26 right-of-way line of said State Highway No. 5, a distance of 638.77
27 ft. to a point at the most Easterly Southeast corner of said Viola

1 Tract 6, at the Northeast corner of the property conveyed to Tina M.
2 Lieto;

3 THENCE South 69 deg. 07 min .56 sec. West, with the North line
4 of said Lieto tract, a distance of 142.55 ft. to a point at the
5 Northwest comer of said Lieto tract;

6 THENCE South 20 deg. 28 min. 53. sec. East, with the West line
7 of said Lieto tract, a distance of 300.17 ft. to a point in the North
8 line of the property conveyed to Tim P. Heffernan in Collin County
9 Clerk's File No. 94-0098977, at the Southwest corner of said Lieto
10 tract, at the most Southerly Southeast comer of said Viola Tract 6;

11 THENCE South 68 deg. 55.min. 52 sec. West, with the North line
12 of said Heffernan tract , a distance of 377.37 ft. to a point in the
13 East line of the property conveyed to Kerry L. Burns in Collin
14 County Clerk's File No. 93-00. 91969, at the Southwest comer of
15 said Viola Tract 6;

16 THENCE North 01 deg. 35 min. 22 sec. East, with the East line
17 of said Burns tract, a distance of 1,068.04 ft. to a point in the
18 South line of said Steffens tract, at the Northeast comer of said
19 Bums tract, at the Northwest corner of said Viola Tract 6;

20 THENCE South 88 deg. 00 min. 11 sec. East, with the South line
21 of said Steffens tract, a distance of 120.41 ft. to the PLACE OF
22 BEGINNING and containing 6.12 ACRES of land , all of which lies
23 entirely within the Extraterritorial Jurisdiction of the City of
24 Van Alstyne, as established by the "Boundary Line Settlement
25 Agreement" dated September 12, 2006, to be filed in the Official
26 Public Records of Collin County, Texas.

27 TRACT 5: 27.39 ACRES

1 SITUATED in the County of Collin, State of Texas, and being a
2 part of the W. M. Creager Survey, Abstract No. 164, and being all of
3 the 27.387 ac. tract of land (Tract 7) conveyed to Vincent Viola by
4 W. Mark David by Special Warranty Deed dated July 30, 2001 and
5 recorded in Volume 4987, Page 697, Deed Records, Collin County,
6 Texas, and being more particularly described as one tract of land by
7 metes and bounds as follows, to-wit:

8 BEGINNING at a point in the West right-of-way line of State
9 Highway No. 5, at the Northeast corner of said Viola Tract 7, at the
10 Southeast corner of the property conveyed to Tim P. Heffernan in
11 Collin County Clerk's File No. 94-0098977;

12 THENCE South 21 deg. 08 min. 14 sec. East, with the West
13 right-of-way line of said State Highway No. 5, a distance of
14 1,183.89 ft. to a point at the Northeast corner of the property
15 conveyed to M. F. Darehsori in Volume 2264, Page 395, said Collin
16 County Deed Records;

17 THENCE North 87 deg. 58 min. 11 sec. West, with the North line
18 of said Darehsori tract, a distance of 131.73 ft. to a point at the
19 Northwest corner of said Darehsori tract;

20 THENCE South 02 deg. 01 min. 49 sec. West, with the West line
21 of said Darehsori tract, a distance of 150.00 ft. to a point at the
22 Southwest corner of said Drehsori tract;

23 THENCE South 87 deg. 58 min. 11 sec. East, with the South line
24 of said Darehsori tract, a distance of 195.92 ft. to a point in the
25 West right-of-way line of said State Highway No. 5, at the
26 Southeast corner of said Darehsori tract;

27 THENCE South 21 deg. 08 min. 14 sec. East, with the West

1 right-of-way line of said State Highway No.5, a distance of 190.49
2 ft. to a point at the Southeast corner of said Viola Tract 7;

3 THENCE North 87 deg. 54 min. 56 sec. West, with the South line
4 of said Viola Tract 7, a distance of 1,216.71 ft. to a point at the
5 Southwest comer of said Viola Tract 7;

6 THENCE North 01 deg. 35 min. 22 sec. East, with the West line
7 of said Viola Tract 7, a distance of 1,149.78 ft. to a point at the
8 Northwest comer of said Viola Tract 7, at the Southwest comer of
9 said Heffernan tract;

10 THENCE North 69 deg. 05 min. 34 sec. East, with the South line
11 of said Heffernan tract, a distance of 673 .94 ft. to the PLACE OF
12 BEGINNING and containing 27.39 ACRES of land, all of which lies
13 entirely within the Extraterritorial Jurisdiction of the City of
14 Van Alstyne, as established by the "Boundary Line Settlement
15 Agreement" dated September 12, 2006, to be filed in the Official
16 Public Records of Collin County, Texas.

17 SECTION 3. (a) The legal notice of the intention to
18 introduce this Act, setting forth the general substance of this
19 Act, has been published as provided by law, and the notice and a
20 copy of this Act have been furnished to all persons, agencies,
21 officials, or entities to which they are required to be furnished
22 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
23 Government Code.

24 (b) The governor, one of the required recipients, has
25 submitted the notice and Act to the Texas Commission on
26 Environmental Quality.

27 (c) The Texas Commission on Environmental Quality has filed

1 its recommendations relating to this Act with the governor, the
2 lieutenant governor, and the speaker of the house of
3 representatives within the required time.

4 (d) All requirements of the constitution and laws of this
5 state and the rules and procedures of the legislature with respect
6 to the notice, introduction, and passage of this Act are fulfilled
7 and accomplished.

8 SECTION 4. (a) Section 8048.0308, Special District Local
9 Laws Code, as added by Section 1 of this Act, takes effect only if
10 this Act receives a two-thirds vote of all the members elected to
11 each house.

12 (b) If this Act does not receive a two-thirds vote of all the
13 members elected to each house, Subchapter C, Chapter 8048, Special
14 District Local Laws Code, as added by Section 1 of this Act, is
15 amended by adding Section 8048.0308 to read as follows:

16 Sec. 8048.0308. NO EMINENT DOMAIN POWER. The district may
17 not exercise the power of eminent domain.

18 (c) This section is not intended to be an expression of a
19 legislative interpretation of the requirements of Section 17(c),
20 Article I, Texas Constitution.

21 SECTION 5. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 2530 passed the Senate on May 3, 2019, by the following vote: Yeas 30, Nays 1; and that the Senate concurred in House amendment on May 25, 2019, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 2530 passed the House, with amendment, on May 22, 2019, by the following vote: Yeas 114, Nays 30, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor